IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.2473 of 2007

Dr.Ahijeet Singh & anr. Applicants
Vs.
Smt. Ruby Abhijeet Singh & anr. Respondents

Mr.Prakash Naik for applicants.
Mr.B.G.Saraf for resp.no.1.
Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

October 1, 2007.

P.C.

. Heard Mr.Naik, the learned counsel for the applicants and Mr.Saraf, the learned counsel for the respondent no.1.

. The applicants are praying for quashing of the proceedings in C.C. No.63/P/2004 filed by the respondent no.1 for the offences punishable under Sections 498-A and 406 of IPC. The respondent no.1 was married to the applicant no.1 on 10th March 2002 and on account of the matrimonial discord she filed the complaint with the police station on or about 13th November 2003.

. In the mean while applicant no.1 approached the Family Court at Mumbai in M.J. Petition No.

A-2060 of 2005 for divorce and Consent Terms were signed between the parties on 24/7/2006. By mutual consent the divorce has been granted by the Family Court on 24/8/2007 and thus the marriage between the parties has been annulled, based on the Consent Terms dated 24/7/2006. An amount of Rs.3 lakhs has been deposited with the Family Court at Bandra by way of permanent alimony and/or maintenance etc. by the applicant no.1. The respondent no.1 in her affidavit has stated that she has no further claim subsisting against the applicants.

. Hence the application is allowed and the proceedings in C.C. No.63/P of 2004 presently pending before the learned Metropolitan Magistrate, 47th Court, Esplanade, Mumbai are hereby quashed and set aside. The respondent no.1 - wife is at liberty to withdraw the amount of Rs.3 lakhs presently lying with the Family Court, Bandra.

(B.H.MARL